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2 February 1959

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MEMORANDUM FOR: CIA Classification Control Officer

**SUBJECT: National Intelligence Authority Directive
No. 5**

**REFERENCE: Memo for DCI fr Gen. Richard Collins,
Dir of Plans, Programs & Security,
Dept of Army, dtd 20 Jan 59, same subject**

1. We have reviewed the request from the Army in the letter referenced above that the attached excerpt from NIA Directive No. 5 be downgraded to SECRET. The only portion of that attachment of any real concern appears to be paragraph 3. a. thereof, which pertains to espionage and counterespionage outside the United States. It was this portion of the paper primarily that the National Intelligence Authority believed required a TOP SECRET classification. These clandestine activities are now the subject of National Security Council Intelligence Directive No. 5, which was revised as recently as 15 September 1958. This Directive with the approval of the National Security Council is classified TOP SECRET-LIMITED DISTRIBUTION. It is apparent, therefore, that the National Security Council is of the same opinion as was the National Intelligence Authority that papers pertaining to assignment of functions in the clandestine field should be of a TOP SECRET classification.

2. I do not believe that we are in a position to comply with the Army's request that we downgrade a paper dealing with this subject matter. I have discussed this with the Deputy Director (Coordination), who agrees that so far as we are concerned the National Security Council appears to have settled the classification in this area. This

TOP SECRET


TOP SECRET

is not the type of security problem that abates with age and, therefore, the former papers are no less sensitive than current ones. Furthermore, I think we should tell the Army that while we regret not being able to accede to their request, our attitude on this classification is a firm one and if an approach were made to the National Security Council for downgrading this subject we would be compelled to object.

3. You may wish to discuss this with the Office of Security and the Deputy Director (Plans) before answering the Army. Let me know if there is anything further I can contribute.

s/ Lawrence R. Houston
LAWRENCE R. HOUSTON
General Counsel

Attachments

 - Ref memo w/ enclosure
Directive No. 5

Copy 1 - Addressee
Copy 2 - EO/DCI w/o att
Copy 3 - General Counsel w/o att

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TOP SECRET

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Ref.: ACAG-E 312.1
Security (M27)

8 DEC 1958

Department of the Army
Washington 25, D. C.

Attention: The Adjutant General

Dear Sir:

Your letter of 14 November 1958 states it is the intention of the Department of the Army to downgrade the classification of National Intelligence Authority Directive No. 5, dated 8 July 1946, from Top Secret to Confidential under the provisions of subsection 4(d) of Executive Order 10501.

Under the Presidential Directive of January 22, 1946, the Director of Central Intelligence was made responsible to the National Intelligence Authority and sat as a nonvoting member thereof. National Intelligence Authority Directives were issued to the Director of Central Intelligence and have been retained by the Director on a continuing basis, utilizing the Central Intelligence Group as agent for the custody of such Directives at the time of their issuance. The records of the Central Intelligence Group were transferred to this Agency by section 102(f)(2) of the National Security Act of 1947, as amended. Consequently, the Central Intelligence Agency acting for the Director of Central Intelligence is the possessor of the National Intelligence Authority Directives within the meaning of paragraph 4(d) of Executive Order 10501.

In accordance with the provisions in section 102(d) of the National Security Act of 1947, as amended, the National Security Council has continued to exercise the jurisdiction in the field of intelligence previously exercised by the National Intelligence Authority, which was abolished by section 102(f)(1) of that act.

The National Security Council has issued Directives, one of which currently covers certain of the material contained in the National Intelligence Authority Directive No. 5, which material is classified Top Secret. This Agency is of the opinion, therefore, that National Intelligence Authority Directive No. 5 is still properly classified Top Secret and should not be downgraded. In this connection, it should be noted that the Director of Central Intelligence is charged by statute with responsibility for protection of intelligence sources and methods from unauthorized disclosure (Sec. 102(d)(3), National Security Act of 1947, as amended).

The subject matter of the Directives referred to above is of concern to all components of the intelligence community as well as to the Director of Central Intelligence and the National Security Council. Consequently, if the Department of the Army wishes to pursue the matter of downgrading the classification of National Intelligence Authority Directive No. 5, a request should be addressed to the Director of Central Intelligence to place the matter on the agenda of the United States Intelligence Board for determination and report to the National Security Council.

Sincerely,

SIGNED

[Redacted Signature]

Classification Control Officer

OGC:LRH:jeb

cc: Director of Security

CIA Classification Control Officer w/incoming ltr

✓General Counsel

Executive Officer, DCI

Executive Secretary, NSC

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